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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/22/10*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7 and 9-17* is/are rejected.

7)☒ Claim(s) *5,6 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   **Claims 1-4, 7 and 9-17 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Adamczyk (US Pat 7,320,026) in view of Wagner et al (US Pat

6,256,516) and/or Hogan et al (US Pat 5,638,430).

As to claims 1 and 9, Adamczyk teaches a method of sending at least one

request (R) **(one or more requests, col. 2, line 2)** to a domain name server **(col. 2,**

line 3) from a requesting machine (H) **(User A - label 302 of fig. 3 wherein Platform**

308 has a subscriber communications module 314 that provides general

communications between the platform 308 and the user 302, col. 6, lines 62-65),

said domain name server **(col. 2, line 3)** being an E.164.arpa telephone number

(ENUM format, col. 7, line 6 and lines 19-25) domain name server and each name

being determined from an E.164 format destination telephone number (NTEL) **(the**

destination subscriber, col. 8, line 6) contained in said request (R) **(the send**

message request includes a phone number identifying the destination subscriber,

i.e., the subscriber that will receive the message, col. 8, lines 5-8)… Examiner

notes that the server/databases 318 and 322 can be remote or local to the requesting machine.

While Adamczyk teaches various databases **(Enum database 134 of fig. 1; database systems 318 and 322 of fig. 3),** Adamczyk does not explicitly teach a prior test of the validity of the destination telephone number (NTEL) of the request (R) is executed automatically and locally to the requesting machine (H) relative to a telephone number database (BD) local to the requesting machine (H) in order to forward the request (R) from the requesting machine (H) to the domain name server only if its destination telephone number (NTEL) passes said test.

To heal the deficiency in Adamczyk, examiner wishes to present Wagner and Hogan (also see the response to argument further below).

(i) Wagner teaches an advance control feature wherein **"the system will automatically reference the entered telephone number against the profile (database) to determine whether the number is "valid" (appropriate) in view of the current day and/or time. If the phone number is determined to be currently valid, then the dial out sequence is executed normally. If another number is determined to be more appropriate based on the profile, the system will automatically display a message, such as that shown in FIG. 7, prompting the user to either choose an alternate number or confirm that the entered number should be used, col. 7, lines 25-60"** for the purpose of reducing the caller's effort in making call to a specific called party. The process to validate the called number would certainly reduce the convoluted and unmanageable activities at the server where it appears that all requests are made it

to the server and waiting to be processed regardless whether the requests are valid or not.

Therefore it would have been obvious to the ordinary artisan at the time of the invention was made to incorporate the teaching of Wagner into the teaching of Adamczyk for the purpose reducing the un-necessary traffic at the server which will certainly increase the Quality of Service and preserve the needed bandwidth. Such motivation, based on examiner's design/development background, will required some coding modification and not necessarily any change in hardware (system). Though as imperfect as Adamczyk 's system... it is therefore an improvement.

(ii) Hogan teaches a call validation system to validate call information prior to the completion of a call **(col. 6, line 39)** as he discusses **"In a step YA212, if a terminating (called) number is entered, that number is validated to verify that it is a valid number. In one embodiment, this is accomplished by using an internal validation system to determine whether it is a valid number. Other validation checks can include a check to see that the number contains the correct number of digits, that is made to a geographic area as allowed by the customer AA110, has a valid area code, and other like validation information, col. 143, lines 19-27. In a step YB126, if a terminating (called) number is entered, this number is validated to determine that it is a valid number. In other words, it is validated to determine whether it contains the correct number of digits, the area code is valid, and other like parameters. Call processing system AB102 can also perform look-ups against information in the fraud detection and prevention system AG112 as**

discussed in the Fraud System Section of this document, Col. 145, line 63-col.

146, line 3". Hogan's purpose is to control the flow of traffic before completion of the

call and thus reduce the traffic at the network point (i.e., server).

Therefore it would have been obvious to the ordinary artisan at the time of the

invention was made to incorporate the teaching of Hogan into the teaching of Adamczyk

for the purpose reducing the un-necessary traffic at the server which will certainly

increase the Quality of Service and preserve the needed bandwidth. Such motivation,

based on examiner's design/development background, will required some coding

modification and not necessarily any change in hardware (system). Hogan's validation

system is exactly what today's call distribution/control technology needs.

Claim 2, Adamczyk teaches one prescribed country code (CC) is stored in the

local database (BD), and said test includes verifying whether the country code (CC) of

the destination telephone number (NTEL) of the request (R) is stored in the local

database **(ENUM takes a complete, international telephone number and resolves it**

to a fully qualified domain name address using a Domain Name Service (DNS)-

based architecture. With ENUM registration of telephone numbers, many systems

such as a subscriber's email, fax, instant messenger, and phone could all be

reachable by using the same telephone number (col. 4, lines 56-62; here country

code is included in the international telephone number... Furthermore, country

code as the form is lay out: 4043322278 is represented as

8.7.2.2.2.3.3.4.0.4.1.e164.arpa.   In this particular situation, e164.arpa represents

the domain name 1 represents the country code (in this case, 1 for the USA) and

404 represents the area code… (col. 7, lines 20-25).

country code as the form is lay out: 4043322278 is represented as

8.7.2.2.2.3.3.4.0.4.1.e164.arpa.   As appreciated by the ordinary skilled artisan,

e164.arpa represents the domain name 1 represents the country code (in this case, 1

for the USA) and 404 represents the area code… **(col. 7, line 6).**

As to claims 3-4 and 7, Adamczyk teaches at least one numbering plan is stored

in the local telephone number database (BD) (for example 4043322278 is represented

as 8.7.2.2.2.3.3.4.0.4.1.e164.arpa, col. 7, line 24) the numbering plan or each

numbering plan comprising at least one block (BN) of telephone numbers **(e164.arpa =**

domain name; 1 = Country code (CC); 404 = area code or NPA; the last 7 digits

(3322278) sometimes known as NPP/NXX).

It is obvious that the negative result of the test is reported if the test determines

that the number being tested does not meet the criteria.

As to claims 10 and 11, Adamczyk does not explicitly teach the device, wherein

the receiver means (DR), the telephone number database (BD), the automatic control

means (DC), and the sending means (DE) are in the requesting machine (H) **(It is**

obvious to the ordinary artisan, the requesting machine in this case is a computer

304 or a telephone system 306 or a PDA or a Mobile phone/smart phone... All of

these devices (requesting machines) have all of the components mentioned

above).

As to claim 12, Adamczyk teaches a requesting machine including device for sending at least one request **(col. 2, lines 8-9)**

As to claim 13, Adamczyk teaches a computer program adapted to be stored on a data medium and including program instructions for executing the method according to claim 1 of sending at least one request **(col. 2, line 63).**

As to claim 14, Adamczyk teaches a system comprising at least one E.164.arp a numbering domain name server and a plurality of requesting machines (H) according to claim 12 adapted to send at least one request to said server(s) **(see claim 1 or 9).**

Claim 15, Adamczyk does not but Wagner teaches the prior test of the validity of the destination telephone number (NTEL) of the request (R) is executed automatically **(col. 7, line 44)** and on the requesting machine (H) **(col. 7, lines 35-38).**

Claim 16, Adamczyk does not but Wagner teaches the telephone number database (BD) is in the requesting machine (H) **(col. 7, line 34).**

Claim 17, Adamczyk does not but Wagner teaches the device is in the requesting machine (H) **(see claims 10/11).**

Allowable Subject Matter

Claims 5-6 and 8 are objected to as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims **1-4, 7 and 9-17** have been considered but are moot in view of the new ground(s) of rejection. However examiner will address some concerns applicant has with Adamczyk.

Examiner has admitted previously that Adamczyk does not explicitly teach a prior test of the validity of the destination telephone number (NTEL) of the request (R) is executed automatically and locally to the requesting machine (H) relative to a telephone number database (BD) local to the requesting machine (H) in order to forward the request (R) from the requesting machine (H) to the domain name server only if its destination telephone number (NTEL) passes said test.

Examiner's admission remains the same and is concurrent to the applicant's analysis that **"the DNS server 318 of Adamczyk is burdened with the task of processing all requests from platform 308, including erroneous or invalid requests for which no domain name exists, thereby significantly reducing the speed and rate at which valid requests are processed. In fact, the Adamczyk system processes and sends all requests to DNS server 318 irrespective of the validity of the telephone numbers contained in the requests. Adamczyk thus teaches away from performing the prior test of validity"** (Applicant, Remark page 9). Examiner did not dispute this fact at the interview... Examiner certainly agrees with applicants the combination of Adamczyk and Bernan (previously used) is unsound.

As a result, examiner respectfully provides Wagner and Hogan to heal the deficiency in Adamczyk wherein examiner has demonstrated in the action that the test/validation is performed prior to any subsequent activities.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614